

1 quash based on jurisdictional grounds is premature. *See, e.g., New Sensations, Inc. v. Does 1-1,745,*
2 2011 WL 2837610, at *1 (N.D. Cal. Jul. 18, 2011); *Call of the Wild Movie, LLC v. Smith*, No.
3 10-0455, 2011 WL 1807416, at *9 (D.D.C. May 12, 2011); *Voltage Pictures, LLC v. Does 1-5,000,*
4 No. 10-0873, WL 1807438, at *8 (D.D.C. May 12, 2011). Rule 12(b)(2) permits defendants to
5 move to dismiss for lack of personal jurisdiction. Although the Doe Defendants moves the Court to
6 dismiss the action against them for lack of personal jurisdiction, they are not yet defendants. If and
7 when Plaintiff names them as defendants, they will be able to raise this defense. Once Plaintiff
8 amasses enough evidence and names the Does, it will then have the burden to present a prima facie
9 case supporting personal jurisdiction over defendants. *See Harris Rutsky & Co. Ins. Servs., Inc. v.*
10 *Bell & Clements Ltd.*, 328 F.3d 1122, 1129 (9th Cir. 2003). At that time, the Doe Defendants may
11 present any affidavits asserting that they have never engaged in business with Plaintiff and that their
12 activities with the forum state do not meet the requisite minimum contacts to establish personal
13 jurisdiction. With evidence from both sides, jurisdiction will be decided on a full record. At this
14 time, however, without any named defendants, the motion is not yet ripe. The motion is DENIED
15 WITHOUT PREJUDICE and may be brought again once Plaintiff names the Doe Defendants as
16 defendants or when the Doe Defendants have identified themselves. As there is no basis for giving
17 any credence to an unsworn statement made by an anonymous person, the Court finds it
18 inappropriate to quash the subpoena, thereby dismissing the Doe Defendants from this case, before
19 Plaintiff has an opportunity to learn Does' identities and to determine whether jurisdiction is proper.

20 Accordingly, the Doe Defendants' motions to proceed anonymously and quash are DENIED.

21 **IT IS SO ORDERED.**

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23 Dated: November 30, 2011

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26 Maria-Elena James
27 Chief United States Magistrate Judge
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